

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LATRICIA LANIER,

Plaintiff,

v.

Civil Case No. 12-11901
Honorable Patrick J. Duggan

SPECTRUM HUMAN SERVICES,

Defendant.

_____ /

ORDER TO FILE AMENDED COMPLAINT

Plaintiff filed this *pro se* action against Defendant on April 27, 2012. Plaintiff has been granted leave to proceed *in forma pauperis* in this action.

Federal Rule of Civil Procedure 8(a) requires that a complaint set forth a short and plain statement of the grounds upon which the court's jurisdiction depends, a short and plain statement of the claim showing that the pleader is entitled to relief, and a demand for judgment for the relief sought. A complaint must contain sufficient factual matter, that when accepted as true, "state[s] a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, – , 129 S. Ct. 1937, 1949 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 555, 570, 127 S. Ct. 1955, 1974 (2007)). A claim is facially plausible when a plaintiff pleads factual content that permits a court to reasonably infer that the defendant is liable for the alleged misconduct. *Id.* (citing *Twombly*, 550 U.S. at 556, 127 S. Ct. at 1965).

Generally, a less stringent standard is applied when construing the allegations

pleaded in a *pro se* complaint. *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S. Ct. 594, 596 (1972). Even when held to a less stringent standard, however, Plaintiff's Complaint fails to satisfy Rule 8. For example, it is not clear from Plaintiff's Complaint which constitutional right(s) she believes have been violated, what conduct constituted a violation of those rights, when that conduct occurred, or what facts support a finding that Defendant acted under color of state law. Plaintiff must show that Defendant acted under color of state law to assert a viable civil rights action. *See Block v. Ribar*, 156 F.3d 673, 677 (6th Cir. 1998) (citing *Parratt v. Taylor*, 451 U.S. 527, 535, 101 S. Ct. 1908, 1913 (1981)).

Therefore, **within twenty-one (21) days** of this Order, Plaintiff shall file an amended complaint in compliance with Federal Rule of Civil Procedure Rule 8 or this action will be dismissed without prejudice.

SO ORDERED.

Date: May 1, 2012

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copy to:
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